

## Lieutenant Governor Sean Parnell

May 27, 2009

Ray Metcalfe  
PO Box 233809  
Anchorage, AK 99523

Re: 09OPUP, Use of Public Office Initiative

Dear Mr. Metcalfe,

On April 8, 2009, I received your application for an initiative that you entitled "*An Act to Outlaw One's Personal Use of One's Public Office to Enrichment [sic] One's Self.*" I forwarded the application to the Division of Elections for verification of signatures and to the Department of Law for legal review.

The Division of Elections determined that 161 of the 172 signatures submitted were those of qualified voters. Therefore, the application has a sufficient number of sponsors to qualify for circulation of a petition under AS 15.45.030. We have enclosed the petition statistics report prepared by the Division of Elections.

The Department of Law (DOL) concluded that the proposed bill meets statutory requirements for proper form and DOL recommended that I certify this initiative application. A copy of the DOL's legal opinion regarding the application is also enclosed.

For these reasons, I hereby certify your initiative application under Article XI of the Alaska Constitution and under the provisions of AS 15.45. I further certify that the proposed bill to be initiated is in the required form, that the application is substantially in the required form, and that there are a sufficient number of qualified sponsors. Your official certificate is enclosed.

In accordance with AS 15.45.090(a)(2), we have prepared an impartial summary for the petition booklets. The following is the petition summary I have prepared:

### Bill Outlawing Enrichment of Public Officials

This bill would make it a class A felony for a public official to enrich him or her self, a relative, close friend, business associate, past, present or expected employer or contributor. The bill would also make it a class A felony for a person to convince a public official to break this law. The bill does not define the word "enrich."

Should this initiative become law?

The Division of Elections will prepare and print sequentially numbered petition booklets to allow full circulation throughout the state. Each petition will contain (1) a copy of the proposed bill; (2) an impartial summary of the subject matter of the bill; (3) a statement of minimum costs to the state associated with certification of the initiative application and review of the initiative petition; (4) an estimate of the cost to the state of implementing the proposed law; (5) the statement of warning prescribed in AS 15.45.100; (6) sufficient space for the personal information and signatures of each person signing the petition; and (7) other specifications that I decide would ensure proper handling and control. As soon as the booklets are available, they will be delivered to the Division's regional office of your choice (Juneau, Anchorage, Fairbanks or Nome). You will also be provided with instructions and training for booklet distribution and accounting. These instructions must be followed.

The initiative petition must be filed within one year from the date notice is given that the petition booklets are ready for delivery. The petition must be signed by qualified voters at least equal in number to ten percent of those who voted in the last general election, who are resident in at least three-fourths of the House districts of the State, and who are equal in number to at least seven percent of those who voted in the preceding general election in that House district. Based on the 2008 General Election, you will need to gather at least 32,734 signatures from qualified voters. Signatures must come from at least thirty election districts and be equal to seven percent of those who voted in each of those districts.

If you have questions or comments about the ongoing initiative process, please contact my special assistant, Benjamin Shier, at 465-4081.

Sincerely,

A handwritten signature in black ink, appearing to read "Sean Parnell", written in a cursive style.

Sean Parnell  
Lieutenant Governor

Enclosures (3)

cc: Richard Svobodny, Acting Attorney General  
Gail Fenumiai, Director, Division of Elections

STATE OF ALASKA  
LIEUTENANT GOVERNOR  
JUNEAU

# CERTIFICATE

I, SEAN PARNELL, LIEUTENANT GOVERNOR FOR THE STATE OF ALASKA, DO HEREBY CERTIFY, under the provisions of Article XI of the Constitution of the State of Alaska and under the provisions of AS 15.45, the initiative application for "*An act to outlaw one's personal use of one's public office to enrichment [sic] one's self,*" which was received in its entirety on April 8, 2009 and known as *09OPUP*.


I FURTHER CERTIFY that the proposed bill to be initiated is in the required form, that the application is substantially in the required form, and that there are a sufficient number of qualified sponsors.

In accordance with AS 15.45.090, I shall prepare a sufficient number of sequentially numbered petitions to allow full circulation throughout the state.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed hereto the Seal of the State of Alaska, at Juneau, Alaska.

DATED this 27<sup>th</sup> day of May, 2009.

  
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LIEUTENANT GOVERNOR